

Members

Sen. Steven Johnson, Chair  
Sen. Cleo Washington  
Rep. Susan Crosby  
Rep. Gloria Goeglein  
Robert Bonner  
David Giles  
Galen Goode  
John Huber  
Gloria Kardee  
Jerri Lerch  
Amelia Cook Lurvey  
Janet Marich  
Stephen Spindler  
Judith Tilton



## INDIANA COMMISSION ON MENTAL HEALTH

*Legislative Services Agency*  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 232-9588 Fax: (317) 232-2554

LSA Staff:

Ron Sobecki, Fiscal Analyst for the Commission  
Steve Wenning, Attorney for the Commission

Authority: P.L. 37-1998

### MEETING MINUTES<sup>1</sup>

Meeting Date: September 30, 1999  
Meeting Time: 11:00 A.M.  
Meeting Place: Richmond State Hospital  
Meeting City: Richmond, Indiana  
Meeting Number: 2

**Members Present:** Sen. Steven Johnson, Chair; Rep. Susan Crosby; Rep. Gloria Goeglein; Robert Bonner; Galen Goode; Jerri Lerch; Amelia Cook Lurvey.

**Members Absent:** Sen. Cleo Washington; David Giles; John Huber; Gloria Kardee; Janet Marich; Stephen Spindler; Judith Tilton.

Sen. Steve Johnson, Chairman, called the meeting to order. Commission member introductions were made. Representative William Bodiker welcomed the Commission members to Richmond State Hospital.

#### **Mr. Steve Johnson, Executive Director, Prosecuting Attorney's Council**

Mr. Johnson stated that prosecuting attorneys play a unique role in dealing with the mentally ill criminal. The prosecuting attorney is responsible for prosecuting as well as contacting adult protective services if a person is thought to be mentally ill. He said the prosecuting attorney sees both sides of the mental health system.

Mr. Johnson read a statement from Scott Newman, Marion County Prosecuting Attorney, that provided Mr. Newman's perspective on dealing with the criminally mentally ill.

---

<sup>1</sup>Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

### **Judge Steven Eicholtz, Marion Superior Court**

Judge Eicholtz serves as Chair of the Forensic Committee for the Mental Health Association. He stated the Forensic Committee has met over the past year to determine the number of individuals in jails who are mentally ill and to develop recommendations for dealing with the issue. He stated that nationally it is estimated that 20% to 30% of individuals in jail are mentally ill. The Division of Mental Health estimates that 6% to 10% of the individuals in Indiana jails are mentally ill. Judge Eicholtz testified that the decrease in the number of state hospital beds is a major reason for the increased number of mentally ill individuals in the criminal justice system.

Judge Eicholtz presented the Commission with the Forensics Committee recommendations. He also suggested that state law be changed to allow individuals convicted of a D Felony to be eligible for the diversion program. Responding to a question from Rep. Crosby, Judge Eicholtz described the diversion program he designed for mentally ill criminals in Marion County. He stated that the Marion County program has had around 200 individuals meet the diversion program requirements.

Galen Goode stated that one of the problems faced by Community Mental Health Centers that participate in diversion programs is funding. He stated that individuals in jail are not eligible for funding under the Hoosier Assurance Plan. Amy Cooke Lurvey asked whether the Marion County program was available to the mentally retarded developmentally disabled (MRDD) population. Judge Eicholtz replied that the program is only for those individuals who are mentally ill.

### **Department of Correction (DOC)**

Mr. Randall Koester, General Counsel, DOC, Mr. Dean Rieger, Medical Director, DOC, and Mr. James Lowery, Prison Health Services, responded to questions previously submitted to the DOC by Sen. Johnson.

Sen. Johnson asked whether there are any plans to provide mental health services to juveniles at Pendleton Reformatory. Dr. Rieger stated that there are no plans because there are not enough juveniles needing services to develop a program. He stated that there are currently two juveniles receiving services at Charter Hospital. Sen. Johnson asked for the types of services that will be provided at the New Castle facility. Dr. Rieger responded that New Castle will have 128 acute care beds, a sex offender management program, general outpatient services, assisted living services, and a substance abuse program.

Sen. Johnson asked about the staffing levels at the correctional facilities to work with the mentally ill. Dr. Lowery stated that the staffing levels vary depending on the percentage of mentally ill at each site. He stated that 23 of the correctional facilities have staff to work with the mentally ill.

### **Nikki Morrell, Deputy Director for State Hospitals, Division of Mental Health (DMH)**

Ms. Morrell discussed that the DMH started collecting information on forensic patients in February 1997. She said that between February, 1997 and September, 1998, there were 112 individuals in a state hospital who were incompetent to stand trial (ICST), 21 with a felony civil commitment, 63 outdates from a correctional facility, 16 from a substance abuse diversion program, and two juveniles for a total of 217 individuals. The census on August 31, 1999, was 172 individuals. Sen. Johnson asked what happens if competency is not restored within six months. Ms. Morrell answered the state hospital gets a civil commitment from a judge. She noted that the ICST population is growing.

Sen. Johnson asked what the length of stay is for the DOC outdates. An outdate is an individual who has served his prison time, but is placed in a state hospital due to a mental illness rather than be released within the community. Ms. Morrell stated that the average length of stay is 741 days, although 34% of the outdates have been in a state hospital five or more years. Sen. Johnson asked how this compared to the general population. Ms. Morrell responded that 39% of the general population stay less than one year. Ms. Morrell noted that the outdates are difficult to release because of the fear of recidivism. She also discussed the need for additional funding for community programs.

There being no further business, Sen. Johnson adjourned the meeting. The next meeting is October 21, 1999, at 10:00 a.m. in Room 233 of the Statehouse.